

REMARKS

Claims 1-37 are pending and stand rejected. In accordance with the foregoing, claims 22 and 23 are amended. New claim 38 is added. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claims 22-24 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. In accordance with the foregoing amendments, Applicant has amended claims 22 and 23 to claim the structure of the control unit configured to perform a certain function. Withdrawal of the rejection is respectfully requested.

Claims 1-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Axel (U.S. 20040073124 A1) and/or under 35 U.S.C. 103(a) as being unpatentable over Axel. The Examiner interprets Axel as teaching transmitting data by telemetry since ECG information is recorded by a workstation, laptop or other PC computer. Applicant respectfully traverses the rejection. Axel fails to teach, among other things, adjusting telemetry of a medical device during a period when the electromagnetic radiation bursts are being applied to the patient based on information associated with MRI bursts so that the medical device is capable of transmitting information by telemetry during the period when bursts are being applied. Axel teaches a method for detecting the QRS complex for synchronizing the cardiac cycle with cardiac imaging using MRI. ECG synchronization, also known as ECG-gated MRI, allows multiple MRI images to be acquired at the same time in the cardiac cycle such that cardiac movement does not cause noise in the acquired cardiac image. Accordingly, Axel is teaching a method for controlling MRI image acquisition based on detecting the QRS complex. The ECG signal, which the Examiner has interpreted as a telemetry signal, is not adjusted based on MRI information but, to the contrary, is used as a control signal for triggering the MRI image acquisition. Adjusting a telemetry signal based on MRI information is not taught, suggested or implied. For at least this reason, Applicant respectfully submits the rejection is improper and requests withdrawal of the rejection.

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Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

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